

Service Date: November 10, 1993

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

* * * * *

IN THE MATTER Of the Application)	UTILITY DIVISION
of the MONTANA POWER COMPANY for)	
Authority to Increase Rates for)	DOCKET NO. 93.6.24
Natural Gas and Electric Service.)	ORDER NO. 5709c

ORDER AMENDING PROCEDURAL SCHEDULE
AND RESCHEDULING HEARING

BACKGROUND

1. The Montana Public Service Commission (Commission) issued the Procedural Order No. 5709a, Docket No. 93.6.24 on June 23, 1993, and noticed a change of hearing date on June 30, 1993, which set December 7, 1993 (and not December 14) as the date the hearing would commence. By Notice of Staff Action the Procedural Schedule, . 2, Order No. 5709a, was modified on September 10, 1993.

2. On November 1, 1993 Montana Power Company (MPC) filed a letter motion to amend the procedural schedule on the additional issues proceeding. MPC desired the opportunity to respond to testimony of intervening parties that did not file testimony or

take a position on the additional issues to be filed simultaneously on October 12, 1993 (. 2(k), Order No. 5709a).

3. The Large Customer Group (LCG) filed a letter on November 3, 1993 requesting that MPC's motion be limited to the additional issues addressed for the first time in simultaneous rebuttal. LCG objected to "surrebuttal" testimony on issues, e.g. decoupling and DSM, addressed in the first two rounds of simultaneous testimony.

4. On November 4, 1993 at a duly noticed work session the Commission granted Montana Consumer Counsel's (MCC) November 4, 1993 Motion to Amend Procedural Schedule with modifications proposed by Commission staff. The Motion requested rescheduling the hearing in this Docket to January 18, 1994 to allow additional discovery and testimony. MPC did not object to rescheduling the hearing or to the schedule proposed by MCC. MPC has filed a written waiver to the "nine months" requirement for a Commission decision on an application (. 69-3-302, MCA). As represented by MCC, other participating parties to this Docket have no objections to the procedural schedule or hearing date.

FINDINGS OF FACT

5. The Commission finds that MCC has shown good cause to

modify the procedural schedule and to reschedule the hearing to commence on January 18, 1994. Partially resulting from the new optional filing rules, MPC's extensive updating which it filed with its rebuttal requires additional discovery and testimony.

6. MPC has shown good cause to modify the discovery and prefiled testimony schedule on the additional issues. The Commission finds that the parties should be allowed the opportunity to do discovery on those parties which did not file until the second round of testimony, i.e., treating their testimony as "answer" and not rebuttal testimony. The Commission recognizes LCG's concerns on allowing additional discovery and surrebuttal on testimony properly filed pursuant to the procedural schedule.

Acknowledging that the new additional issues proceeding needs refining, the Commission will allow further discovery and rebuttal testimony than that initially provided, directed to those parties not addressing additional issues in the initial round of testimony due October 12, 1993.

7. The following table lists the additional issues identified by Commission staff on September 21, 1993 which required simultaneous filing of testimony by October 12, 1993. The table shows which parties filed testimony.

MPC DOCKET NO. 93.6.24
Additional Issues
Direct Testimony

	<u>Issue</u>	<u>MPC</u>	<u>MCC</u>	<u>LCG</u>	<u>DNRC</u>	<u>HRC</u>
1	Decoupling Power Off system sales	Pascoe	J Wilson	Wetmore		
2	Decoupling Power Energy service charge	Houser	J Wilson			
3	Decoupling Cost of capital	Cole, Olson				
4	Decoupling Coyle	Cole, Olson	J Wilson		Nordell	
5	IRS Tax Basis C4	Cole				
6	Bond Ratings	Cole, Olson				
7	CNG	Johnson			Nordell	
8	Missoula watershed	Pederson				
9	Top layer of coal C3 & C4	Pascoe				
10	Headquarter efficiency	Gannon, Cole				

8. The Commission finds that parties may conduct further discovery and file testimony directed only to the parties on the issues not addressed, as indicated by this Table, pursuant to the Procedural Schedule ordered herein.

9. The Commission staff identified the need for discovery on Additional Issue answer testimony. On its own motion the Commission incorporated this additional discovery into the procedural schedule.

CONCLUSIONS OF LAW

10. The Commission has the general power to regulate the

manner of hearings of public utilities and other parties before it. . 69-3-103, MCA.

ORDER

WHEREFORE, the Commission enters the following order modifying the procedural schedule found in . 2, Order No. 5709a, previously modified on September 10, 1993. Asterisked items refer to Additional Issues proceeding.

- (n) * November 9, 1993: Final day for response to written discovery on additional issues.
- (n1) November 16, 1993: Final day for parties to respond to written discovery on rebuttal testimony filed pursuant to . 2(m1).
- (o) * November 23, 1993: Final day for rebuttal or answer testimony on additional issues (simultaneous). (For those parties filing additional issues testimony for the first time, this testimony will be deemed "answer" testimony.)
- (o)w December 6, 1993 (new): Final day for intervenors to file testimony concerning MPC's updated rebuttal testimony. *Final day for discovery on additional issues answer testimony only (not on additional issues rebut-

tal testimony).

(o)x * December 13, 1993 (new): Final day for response to additional issues answer discovery propounded pursuant to . 2(o)w.

(o)y * December 17, 1993 (new): Final day for company rebuttal to additional issue answer testimony.

(o)z December 17, 1993 (new): Final day for rebuttal testimony concerning intervenors' testimony filed pursuant to . 2(o)w.

(p)y * December 30, 1993 (new): Final day for written discovery on company rebuttal to additional issue testimony.

(p)z * January 7, 1994 (new): Final day for response to written discovery propounded under (p)y.

(p) January 11, 1994 (previously 12-2-93): Final day for prehearing memorandum.

(q) January 13, 1994 (12-6-93): Final day for depositions.

(r) January 18, 1994 (12-7-93): Hearing commences and continues from day to day until concluded.

(s) February 11, 1994 (1-7-94): Transcript available to parties.

(t) March 4, 1994 (1-28-94): Simultaneous initial briefs

from parties.

(u) March 18, 1994 (2-11-94): Simultaneous answer briefs from parties.

(v) April 25, 1994 (3-21-94): Final Order issued by Commission and, if necessary, reserved issue procedure established.

Done and Dated this 4th day of November, 1993 by a vote of 4-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

BOB ANDERSON, Chairman

BOB ROWE, Vice Chairman

DAVE FISHER, Commissioner

NANCY MCCAFFREE, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)